

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

SHANDA SARCHETTE, an individual;
and MARCIE CALDWELL, an
individual,

Plaintiffs,

v.

ALEX M. AZAR II, Secretary of the
United States Department of Health
and Human Services; PAUL
CARLSON, an individual; and JOHN
DOES 1–9,

Defendants.

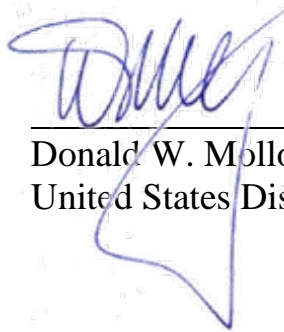
CV 19–124–M–DWM

ORDER

Pending before the Court are Defendant Paul Carlson’s motion to dismiss for lack of jurisdiction and Plaintiffs Shanda Sarchette and Marcie Caldwell’s motion to strike argument from Carlson’s briefing. This case arises out of alleged sexual harassment and includes claims under both federal and state law. The Court has supplemental subject matter jurisdiction over the state law claims because they arise out of the same case or controversy as the federal claims, over which it has original jurisdiction. 28 U.S.C. § 1367(a). Circumstances do not warrant declining to exercise supplemental jurisdiction. *See* § 1367(c). Because the jurisdictional arguments fail on the merits, the Court need not consider the motion to strike.

Accordingly, IT IS ORDERED that Carlson's motion to dismiss (Doc. 31) and Sarchette and Caldwell's motion to strike (Doc. 45) are DENIED.

DATED this 20th day of July, 2020.



14:10 PM

Donald W. Molloy, District Judge
United States District Court